



The examiner, after an updated search, telephoned applicant's representative (hereafter "applicant") and made applicant aware of the newly found Chaudhry reference. The examiner explained his intention to use Chaudhry in a rejection of at least the independent claims filed on 10/27/2009. Specifically, Chaudhry has taught a second processor for executing instructions in advance of the first processor and when the first processor reaches the point in the program at which the second processor begins, the results obtained by the second processor are merged with those of the first processor. See Fig.2B, column 2, lines 38-46, and column 4, line 44, to column 5, line 19. However, Chaudhry has not taught that the first processor is to fetch, issue, and avoid execution of the portion of instructions by commitment of results of the portion of instructions into the register file of the first processor from a buffer. Such a concept is taught in paragraph [0016] on page 4 of applicant's originally filed specification. Consequently, the examiner suggested claim amendments which would preclude rejection by Chaudhry. Proposed claim amendments to fix other minor issues with the claims were also discussed.

On 2-17-10, the examiner telephoned applicant and stated that, in light of the recent memo to broadly interpret computer readable media as non-statutory subject matter for 101 purposes, the examiner also felt it was reasonable to broadly interpret claims 29 and 37 as being directed to non-statutory subject matter (i.e., software per se). For instance, the claim language did not preclude the interpretation that the system could be a system of hardware description language files modeling hardware. Consequently, applicant was asked to insert the word "hardware" into claims 29 and 37 to avoid a 101 rejection.